RSA No.180/2005

6.8.2008: Present: Mr. Baldev Singh, Advocate vice counsel for the appellant.

Mr. Anand Sharma, Advocate for respondent.

CMP No. 654/2008:

This application under Order 23 Rule 3 of the Code of Civil Procedure has been jointly filed by the parties. The application is duly supported by the affidavits of the parties. Mr. Anand Sharma, Advocate appearing on behalf of the respondent-plaintiff submits that in view of the compromise arrived at between the parties, the judgment and decree passed by the trial court and affirmed by the first appellate court be set aside. This submission is not opposed by Mr. Baldev Singh, learned vice counsel for the appellant.

Consequently, the Regular Second Appeal is allowed. The judgments and decrees passed by trial court and first appellate court dated 12.1.2005 and 23.10.2003, respectively are set aside. The parties shall remain bound by the agreement arrived at between them. There shall be no order as to costs.

August 6, 2008.
awasthi (**Rajiv Sharma),J.**